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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,437	08/01/2003	Laurent Mollicone	MS1-1556US	2858
22801	7590	12/16/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			BOTTS, MICHAEL K	
			ART UNIT	PAPER NUMBER

2176

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,437

Applicant(s)

MOLLICONE ET AL.

Examiner

Michael K. Botts

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 1, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2004 and 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This document is the first Office Action on the merits. This action is responsive to the following communications:

a) The Non-Provisional Application, which was filed on August 1, 2003; and
b) Information Disclosure Statements (IDS) filed on February 5, 2004, April 12, 2004, June 18, 2004, February 28, 2005, May 18, 2005, and October 31, 2005.

2. Claims 1-26 have been examined, with claims 1, 20, 24, 25, and 26 being the independent claims.

3. Documents identified in the Information Disclosure Statements are missing.

4. Receipt of the missing Declarations is acknowledged.

5. Claims 1-26 are rejected.

Information Disclosure Statement

6. An initialed and dated copy of applicant's IDS form 1449, filed on February 5, 2004, April 12, 2004, June 18, 2004, February 28, 2005, May 18, 2005, and October 31, 2005, are attached to this Office Action.

7. The following documents were identified in IDS filings, but were not found in the file (an abbreviated citation format is used below):

a) Musgrave, "Networking Technology . . ."

b) Rapaport, "Get More From SharePoint."

c) McCright, "New Toolkit . . ."

- d) Chien, "Storing and Querying Multiversion XML Documents . . ."
- e) "Netscape window" NETSCAPE SCREENSHOT, 2 October 2002
(2002/10/02).
- f) Van Hoff, "The Open Software Description Format . . ."
- g) NETSCAPE COMMUNICATIONS CORP., "SmartUpdate Developer's Guide."
- h) Haukeland, "Tsbiff – tildeslash biff - - version 1.2.1."

The above cited documents must be provided as identified on the Information Disclosure Statements. The missing IDS documents do not prevent examination of this application.

Oath/Declaration

8. Receipt is acknowledge of the declarations of inventors Mollicone, Begun, and Mooney, which was filed August 1, 2003. Receipt is also acknowledged of the declaration of inventor Friend, which was filed on December 12, 2003.

The Specification

9. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of U.S. filed applications in the specification should also be updated where appropriate.

10. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

Claims Rejections – 35 U.S.C. 112, Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Dependent claims 18, 19, 22, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. See, *Ex Parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). See also, MPEP 2173.05(p).

Claim 18 is an improper hybrid claim in that it claims an apparatus, yet depends from the method of claim 1.

Claim 19 is an improper hybrid claim in that it claims a computer readable medium, yet depends from the method of claim 1.

Claim 22 is an improper hybrid claim in that it claims an apparatus, yet depends from the method of claim 20.

Claim 23 is an improper hybrid claim in that it claims a computer readable medium, yet depends from the method of claim 20.

Claims Rejections – 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Dependent claims 18, 19, 22, and 23 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. As noted below, claims 24, 38, and 55 are directed to neither a “process” nor a “manufacture,” but rather embrace and overlap two different statutory classes of invention set forth in 35 U.S.C. 101, which is drafted so as to set for the statutory classes of invention in the alternative only. See, *Ex Parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). See also, MPEP 2173.05(p).

Claim 18 is an improper hybrid claim in that it claims an apparatus, yet depends from the method of claim 1.

Claim 19 is an improper hybrid claim in that it claims a computer readable medium, yet depends from the method of claim 1.

Claim 22 is an improper hybrid claim in that it claims an apparatus, yet depends from the method of claim 20.

Claim 23 is an improper hybrid claim in that it claims a computer readable medium, yet depends from the method of claim 20.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Altova, "User Reference Manual Version 4.4, XML Spy Suite 4.4," Altova Ges.m.b.H & Altova, Inc., May 24, 2002 [hereinafter "Altova"].

It is noted that citations to specific, pages, columns, lines, or figures in the prior art references should not be considered to be limiting in any way. The entirety of the references discloses prior art relevant to the rejections of the claimed inventions.

It is also noted that the claim limitation term "features," as in the phrase "expected features," is used in the disclosure in a different context than the definition that would have been known to one of ordinary skill in the art at the time of the invention. At the time of the invention, one of ordinary skill in the art would have known the term "feature" to be a broad general term meaning: "A unique, attractive, or desirable property of a program or of a computer or other hardware." See, Microsoft Computer Dictionary, Fifth Edition, 2002, definition of "feature." In contrast, the applicants have used the term "features" in the context of whether expected nodes are present. See, disclosure, page 4, lines 22-25. Alternatively, applicants defined the term to be consistent with the functional elements of a schema, as in stated definition of the

phrase "expected features," stating: "In one case, the above-referenced 'expected features' are specified by a schema associated with the particular version of the processing functionality." See, disclosure, page 5, lines 10-15.

A "schema" was known to one of ordinary skill in the art at the time of the invention to be as follows: "A schema defines aspects of the database, such as attributes (fields) and domains and parameters of the attributes." See, Microsoft Computer Dictionary, Fifth Edition, 2002, definition of "schema."

Based on the above analysis, it is believed that the applicants intended the term "expected features" and the word "features" to be consistent with the concept of functional elements of the program. For the remainder of this Office Action, the term "features," as used in any claim, will be read as the functional elements of a program, including but not limited to nodes, attributes, fields, domains, and parameters of the attributes.

It is further noted that the claim limitation term "structured document" is read in a sense consistent with the accepted definition of the term structured as was known by one of ordinary skill in the art at the time of the invention. See, Microsoft Computer Dictionary, Fifth Edition, 2002, definition of "structure": "The design and composition of a program, including program flow, hierarchy, and modularity." The definition of "structure" is consistent with the use of the term in the disclosure. See, disclosure page 7, lines 7-11. For clarity, it is noted that the term "structured document," as used in any claim, will be read as a document with a program flow, hierarchy, and modularity.

Regarding **independent claim 1**, Altova teaches:

A method for upgrading documents for processing by processing functionality, comprising:

inputting a structured document having particular features associated therewith into a particular version of the processing functionality;

determining whether each of the particular features matches a set of expected features associated with the particular version of the processing functionality; and

modifying the particular features of the input structured document so that the particular features match the set of expected features to thereby provide a modified structured document.

(Altova teaches the import and conversion or upgrading of virtually any structured document. See, Altova, pages 208-209, teaching that the “import text file” function allows a person to “import any structured text file into XML Spy and convert it to XML format.”

See also, Altova, pages 209-213, teaching importing databases to XML.

See also, Altova, page 213, teaching importing a word document and converting it to XML.

See also, Altova, page 239, teaching importing hierarchical data and automatically shaping the data as elements by default.

See, Altova, page 208, teaching that the import file function “is useful when you want to import legacy data from older systems, as most software products support a text expert interface of some kind.” See also, Altova, page 209, teaching that quotes used to delimit text from numeric values within text may be removed automatically, thereby modifying the structure of the input document to match the features expected in the new document. The resulting modified structured document is expressed in XML.

It is also noted that any “processing functionality” would inherently have a “particular version,” and for that reason the term “particular version” is not considered to be limiting.)

Regarding **dependent claim 2**, Altova teaches:

A method according to claim 1, further comprising:
transforming the modified structured document into another document
suitable for presentation;
displaying the other document suitable for presentation using the
processing functionality to provide a displayed document; and
editing the displayed document.

(See, Altova, pages 69-72, teaching transforming and XML document to an HTML document. Further, see, Altova, page 70 teaching the “browser view” of the transformed document and teaching editing of the displayed document.)

Regarding **dependent claim 3**, Altova teaches:

The method according to claim 1, wherein the input structured document is expressed in a markup language that uses tags pertaining to subject matter fields in the input structured document.

(See, Altova, pages 218-221, teaching creating an XML document from an existing XML schema.)

Regarding **dependent claim 4**, Altova teaches:

The method according to claim 3, wherein the input structured document is expressed in the extensible markup language (XML).

(See, Altova, pages 218-221, teaching creating an XML document from an existing XML schema.)

Regarding **dependent claim 5**, Altova teaches:

The method according to claim 2, wherein the other document suitable for presentation is expressed in a markup language that uses tags pertaining to visual features associated with the presentation of the other document.

(See, Altova, pages 69-72, teaching transforming and XML document to an HTML document. And see, Altova, page 70 teaching the "browser view" of the transformed document and teaching editing of the displayed document. Further, see Altova, pages 441-443, teaching showing the tags in association with the visual features.)

Regarding **dependent claim 6**, Altova teaches:

The method according to claim 5, wherein the other document suitable for presentation is expressed in the hypertext markup language (HTML).

(See, Altova, page 201, teaching that transforming an XML document into “other XML documents or text files, such as HTML, XHTML, or WML pages” using XSL and XSL Transform (XSLT).)

Regarding **dependent claim 7**, Altova teaches:

The method according to claim 1, wherein the modifying uses an upgrade module that provides a transformation function using extensible stylesheet language (XSL).

(See, Altova, page 201, teaching that transforming an XML document into “other XML documents or text files, such as HTML, XHTML, or WML pages” using XSL and XSL Transform (XSLT).)

Regarding **dependent claim 8**, Altova teaches:

The method according to claim 2, wherein the other document suitable for presentation comprises an electronic form having at least one user data entry field therein.

(See, Altova, pages 318-336, teaching creating, managing, and storing forms.)

Regarding **dependent claim 9**, Altova teaches:

The method according to claim 1, wherein the determining of whether each of the particular features matches a set of expected features associated with the particular version of the processing functionality comprises:

determining whether the input structured document contains each node expected by the particular version of the processing functionality.

(See, Altova, page 176, teaching validation of node sets. See also, Altova, page 211, teaching the creation of empty elements in the modified document to correlate with empty fields in imported tables.)

Regarding **dependent claim 10**, Altova teaches:

The method according to claim 9, wherein the modifying of the particular features of the input structured document to produce the modified structured document comprises:

creating each node expected by the particular version of the processing functionality to provide created nodes;

copying node content from the input structured document into corresponding created nodes in the modified structured document for those nodes in the input structured document that have counterpart nodes expected by the particular version of the processing functionality; and

creating default node content in corresponding nodes in the modified structured document for those created nodes that do not have counterpart nodes in the input structured document.

(It is noted that claim 10 reads on a schema. Altova teaches importing data into a schema. See, Altova, page 183, teaching uses for schema, including to generate an XML file.)

Regarding **dependent claim 11**, Altova teaches:

The method according to claim 1, wherein the determining of whether each of the particular features matches a set of expected features associated with the particular version of the processing functionality comprises:

determining whether the input structured document lacks nodes that were previously classified as optional but are no longer classified as optional in the particular version of the processing functionality.

(See, Altova, pages 55-58 and 183, teaching validating and XML instance document. See also, Altova, page 55-58, teaching validating for mandatory elements and insertion of missing mandatory elements. Further, see, Altova, page 546, teaching the XML parser that checks the document for well-formedness and validates it “against any specified DTD, DCD, XDR, BizTalk, or XSD Schema.”)

Regarding **dependent claim 12**, Altova teaches:

The method according to claim 11, wherein the modifying of the particular features of the input structured document to produce the modified structured document comprises:

creating new nodes in the modified structured document providing that the new nodes are lacking in the input structured document and providing that the new nodes are required in the particular version of the processing functionality although considered optional by its schema.

(See, Altova, page 55-58, teaching validating for mandatory elements and insertion of missing mandatory elements. See also, Altova, page 186-188, teaching functions of automatically generating mandatory and non-mandatory attributes.)

Regarding **dependent claim 13**, Altova teaches:

The method according to claim 1, wherein the expected features are specified by a schema associated with the particular version of the processing functionality.

(See, Altova, page 186-188, teaching functions of automatically generating mandatory and non-mandatory attributes as defined in the schema.)

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Regarding **dependent claim 14**, Altova teaches:

The method according to claim 1, wherein the expected features are specified by some information other than a schema associated with the particular version of the processing functionality.

(See, Altova, pages 108 and 204, teaching use of an XSL stylesheet to an XML document.)

Regarding **dependent claim 15**, Altova teaches:

The method according to claim 1, corresponds to a markup language document wherein the input structured document generated by an earlier version of the processing functionality compared to the particular version.

(See, Altova, page 150-151, teaching comparing two XML files. See also, Altova, page 208, teaching that the software could "import any structured text file into XML." There was no limitation placed on which document was more recent.)

Regarding **dependent claim 16**, Altova teaches:

The method according to claim 1, wherein the input structured document corresponds to a markup language document generated by a later version of the processing functionality compared to the particular version.

(See, Altova, page 150-151, teaching comparing two XML files. See also, Altova, page 208, teaching that the software could "import any structured text file into XML." There was no limitation placed on which document was more recent.)

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Regarding **dependent claim 17**, Altova teaches:

The method according to claim 1, wherein the modifying is performed using an upgrade module, and wherein the upgrade module is developed without knowledge of any requirements of any input structured document.

(It is noted that the use of any new or revised DTD, stylesheet or schema will “upgrade” a document, as “upgrade module” is disclosed in the specification. See, figure 13, and disclosure, page 32, lines 1-10. See, Altova, pages 184-204, teaching modification to DTD/schemas.)

Regarding **dependent claim 18**, Altova teaches:

An apparatus including logic configured to implement the inputting, determining, and modifying recited in claim 1.

(Claim 18 incorporates substantially similar subject matter as claimed in claim 1 and claim 18 is rejected along the same rationale as the rejection of claim 1.)

Regarding **dependent claim 19**, Altova teaches:

A computer readable medium having machine readable instructions for implementing the inputting, determining, and modifying recited in claim 1.

(Claim 19 incorporates substantially similar subject matter as claimed in claim 1 and claim 19 is rejected along the same rationale as the rejection of claim 1.)

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Regarding **independent claim 20**, Altova teaches:

A method for generating an upgrade module for upgrading documents for processing by processing functionality, comprising:

determining whether a particular version of the processing functionality has been created that warrants generation of the upgrade module; and

generating the upgrade module if the creation of the particular version warrants the generation of the upgrade module.

(See, Altova, page 150-151, teaching comparing two XML files. See also, Altova, pages 184-204, teaching modification to DTD/schemas.)

Regarding **dependent claim 21**, Altova teaches:

The method of claim 20, wherein the upgrade module is formed using the extensible stylesheet language (XSL).

(See, Altova, page 108, teaching use of and XSL stylesheet to view the output from an XSLT transformation to HTML. See also, Altova, page 204, teaching that the applied XSL stylesheet may be changed to any available such stylesheet.)

Regarding **dependent claim 22**, Altova teaches:

An apparatus including logic configured to implement the determining and generating recited in claim 20.

(Claim 22 incorporates substantially similar subject matter as claimed in claim 20 and claim 22 is rejected along the same rationale as the rejection of claim 20.)

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Regarding **dependent claim 23**, Altova teaches:

A computer readable medium having machine readable instructions for implementing the determining and generating recited in claim 20.

(Claim 23 incorporates substantially similar subject matter as claimed in claim 20 and claim 23 is rejected along the same rationale as the rejection of claim 20.)

Regarding **independent claim 24**, Altova teaches:

*An apparatus for processing documents, comprising:
an upgrade module configured to modify an input structured document having particular features associated therewith so that the input structured document conforms to a set of expected features associated with a particular version of the apparatus, to thereby produce a modified structured document;
and
a transformation module configured to transform the modified structured document into another document suitable for presentation.*

(Claim 24 incorporates substantially similar subject matter as claimed in claim 1 and claim 24 is rejected along the same rationale as the rejection of claim 1.)

Regarding **independent claim 25**, Altova teaches:

An apparatus for generating an upgrade module for upgrading documents for processing by processing functionality, comprising:

logic configured to determine whether a particular version of the processing functionality has been created that warrants generation of the upgrade module; and

logic configured to generate the upgrade module if the creation of the particular version warrants the generation of the upgrade module.

(Claim 25 incorporates substantially similar subject matter as claimed in claim 20 and claim 25 is rejected along the same rationale as the rejection of claim 20.)

Regarding **independent claim 26**, Altova teaches:

A computer readable medium having stored thereon an information structure, comprising:

an upgrade module information structure configured to modify an input structured document having particular features associated therewith so that the input structured document conforms to a set of expected features associated with a particular version of a processing apparatus, to thereby produce a modified structured document; and

a transformation module information structure configured to transform the modified structured document into another document suitable for presentation.

(Claim 26 incorporates substantially similar subject matter as claimed in claim 1 and claim 26 is rejected along the same rationale as the rejection of claim 1.)

Conclusion

14. The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

Stoll, et al. (U.S. Patent 6,968,505 B2), teaching use of wizards for database management.

Bata, et al. (U.S. Patent 6,901,403 B1), teaching virtual file based modification of XML file.

Sundaresan (U.S. Patent 6,487,566 B1), teaching transformation of XML documents into other XML documents.

Burkett, et al. (U.S. Patent 6,476,828 B1), teaching dynamic modification of XML data through GUI interface.

Petty, et al. (U.S. Patent 6,342,907), teaching graphical editor for modification of HTML documents without use of the specification language.

Adler, et al. (U.S. Patent Publication 2004/0205571 A1), teaching template based modification to a document structure.

Lauzon, et al. (U.S. Patent Publication 2004/0117769 A1), teaching a visual debugger for stylesheets.

Parker, et al. (U.S. Patent Publication 2003/0237046 A1), teaching automatic update of transformation stylesheet.

Pena, et al. (U.S. Patent Publication 2003/0225829 A1), teaching XML-type abstract document transforming and rendering.

Champagne, et al. (U.S. Patent Publication 2003/0140132 A1), teaching

configuration maintenance network for XML.

Kim, et al. (U.S. Patent Publication 2003/0120671 A1), teaching meta-tag use in designing stylesheets.


Voskuil (U.S. Patent Publication 2002/0032768 A1), teaching automatic configuration of systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKB


WILLIAM BASHORE
PRIMARY EXAMINER
1/2/9/2005